

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN STEWART,	)	CASE NO. 1:10CV1025
	)	
Plaintiff,	)	
	)	
v.	)	MAGISTRATE JUDGE McHARGH
	)	
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF	)	<b><u>OPINION AND ORDER</u></b>
SOCIAL SECURITY	)	
	)	
Defendant.	)	

Plaintiff Kevin Stewart and Defendant Commissioner of Social Security have agreed to a sentence four remand under 42 U.S.C. 405(g) terminating this case. Plaintiff challenged the final decision of the Commissioner of Social Security, denying Plaintiff's application for a Period of Disability and Disability Insurance benefits under Title II of the Social Security Act, [42 U.S.C. §§416\(i\)](#) and [423](#), and Supplemental Security Income benefits under Title XVI of the Social Security Act, [42 U.S.C. §1381](#) *et seq.* (Doc. 1). Plaintiff Stewart asserted that the decision of the Administrative Law Judge ("ALJ") was not supported by substantial evidence.

On June 15, 2010, Plaintiff and Defendant consented to the exercise of jurisdiction by a United States Magistrate Judge to govern these proceedings (Doc. 10). On January 24, 2011, the parties filed a joint stipulation for remand pursuant to the fourth sentence of 42 U.S.C. § 405(g) (Doc. 19). The parties request this Court to remand the instant case in order for the ALJ to: (a) evaluate Plaintiff's functional limitations and remaining capacities of record; (b) evaluate Plaintiff's subjective complaints as required by Social Security Ruling 96-7p and 20 C.F.R. §§ 404.1529 and

416.929; (c) consolidate the current claims with those pending at the hearing office; and (d) obtain vocational expert evidence. The Joint Stipulation For Remand (Doc. 19) is hereby **GRANTED**.

**IT IS SO ORDERED.**

/s/ Kenneth S. McHargh  
KENNETH S. MCHARGH  
U.S. MAGISTRATE JUDGE

Date: January 27, 2011.